

May 20, 2003

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

**ANNEXATION OF TERRITORY INTO
LANDSCAPING AND LIGHTING ACT DISTRICT NO. 4,
ZONE NO. 76 TESORO ADOBE PARK
(5th District - Three-Vote Matter)**

IT IS RECOMMENDED THAT YOUR BOARD:

1. Adopt the enclosed Resolution of Intention to annex territory into Landscaping and Lighting Act (LLA) District No. 4 as Zone No. 76 Tesoro Adobe Park and order the levying of an assessment for this annexation for Fiscal Year 2003-04 pursuant to the provisions of the Landscaping and Lighting Act, Part 2 of Division 15 of the Streets and Highways Code of the State of California, ("the Act").
2. Set a date for a public hearing regarding the proposed annexation and levying of the proposed assessment as specified in Section 22625 of the Streets and Highways Code.
3. Approve and file the enclosed Engineer's Report prepared in accordance with Article 4 (commencing with Section 22565 of Chapter 1 of Part 2 of Division 15) of the Streets and Highways Code regarding the proposed assessment for landscape and park maintenance purposes for LLA District No. 4, as Zone No. 76 Tesoro Adobe Park, pursuant to provisions of the Act.
4. Instruct the County Engineer and Assessor to review the boundary description of the territory to be annexed into LLA District No. 4, and instruct the County Engineer to report on the district boundary as required by Section 58850 et seq. of the Government Code.
5. Instruct the Executive Officer to give notice of the public hearing and to mail ballots to property owners at least 45 days prior to the date of the hearing.

IT IS FURTHER RECOMMENDED THAT, AT THE CONCLUSION OF THE PUBLIC HEARING, YOUR BOARD:

1. Instruct the Executive Officer to manage the tabulation of assessment ballots submitted, and not withdrawn, in support of or in opposition to the proposed assessment for LLA District No. 4, Zone No. 76 Tesoro Adobe Park, and determine whether a majority of the ballots submitted in favor of the assessment in the Zone exceed those submitted in opposition.
2. Find that the project is exempt from the California Environmental Quality Act (CEQA).
3. Find that the territory to be annexed into LLA District No. 4 will be benefited by such annexation, and order the boundary of LLA District No. 4 to be altered to include such territory.
4. Order changes in any of the matters provided in the Report, including changes in the improvements, the proposed diagram or the proposed assessment as described in the Engineer's Report if needed.
5. For the territory to be annexed, if the ballots submitted in favor of the assessment and CPI factor exceed those submitted in opposition, adopt the following resolution confirming the diagram and assessment, either as originally proposed or changed by it, and ordering the maintenance and operation work to be done for the annexation. The adoption of the following resolution shall constitute the levy of the assessment for the fiscal year referred to in the Engineer's Report:

"Resolution Ordering the Annexation of Territory into LLA District No. 4 and the Levying of an Assessment for the Annexed Territory for Fiscal Year 2003-04".
6. Designate the Director of the Department of Parks and Recreation to accept, on behalf of LLA District No. 4, the Grants of Easement to designated areas and open space pursuant to the tract conditions approved for the annexations.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTIONS

These recommended actions are for your Board to annex additional territory within LLA District No. 4; to set a date for a public hearing upon establishment of the Fiscal Year 2003-04 annual assessment for the annexed area to provide landscape and park maintenance services subject to the requirements of Proposition 218; and to approve and file the enclosed Engineer's Report. These actions are pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the Streets and Highways Code of the State of California and provide funding for the operation of the aforementioned County-administered District Zone.

The Resolution of Intention to levy and collect assessments is limited to the proposed annexation areas in LLA District No. 4, Zone No. 76 Tesoro Adobe Park for Fiscal Year 2003-04.

Another Board letter and Resolution of Intention will be filed to set a date for a public hearing to establish the annual per parcel direct assessment for the existing Zones within LLA Districts Nos. 1, 2 and 4.

LLA District No. 4, Zone No.76 Tesoro Adobe Park

Montalvo Properties, LLC and SunCal/Tesoro LLC have requested the annexation of the unincorporated area known as Tesoro del Valle (Tentative Tract No. 51644) into LLA District No. 4, to be known as Zone No. 76 Tesoro Adobe Park.

The proposed annexation of this territory will provide the method to raise funds for the maintenance and servicing of park and landscaping improvements. These improvements may include but are not limited to: shrubs, turf, trees, automated irrigation system, concrete walkways, steel fencing, brick patio area, fountain, asphalt parking area, amphitheater, six historic structures and appurtenant facilities.

On July 22, 1997, your Board approved the formation of County LLA District No. 4 and Zones therein, respectively, for the purpose of providing landscaping in County-administered Landscaping and Lighting Act Districts and Zones therein pursuant to provisions of the Act. As the governing body, the Board of Supervisors is responsible for levying the annual assessment for landscape and park maintenance purposes.

On June 12, 1979, your Board approved a method of distributing maintenance costs on the basis of land use and/or benefit and this same method will be used to compute the Fiscal Year 2003-04 assessments. This method and the proposed assessments on the various lots or parcels are shown in detail in the Engineer's Report.

Implementation of Strategic Plan Goals

These actions meet the County's Strategic Plan Goals of Fiscal Responsibility (Goal Four) and Service Excellence (Goal One). These recommendations, in compliance with the Landscaping and Lighting Act of 1972 and Article XIID of the California Constitution, will allow the County to service and maintain the park, landscaping and appurtenant facilities that benefit those that live within these zones.

FISCAL IMPACT/FINANCING

Services provided in the Districts, and Zones therein, are funded by the assessments established by the Board of Supervisors. Therefore, there is no impact to the General Fund. The recommended new annual assessment of \$57 per EDU for LLA District No. 4, Zone No. 76 Tesoro Adobe Park will provide the funds needed for maintenance, servicing and administrative costs associated with the improvements during Fiscal Year 2003-04.

Commencing with Fiscal Year 2004-05, the assessments may be increased annually for inflation, based on the Consumer Price Index, All Urban Consumers - for the Los Angeles-Riverside-Orange County Area (CPI), as determined by the United States Department of Labor, Bureau of Labor Statistics, or its successor. Should the Bureau of Labor Statistics revise such index or discontinue the preparation of such index, this Department shall use a revised index or comparable system for determining fluctuations in the cost of living, as approved by the Board.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The Act sets forth a procedure that must be followed for any fiscal year during which an assessment is to be levied. It requires that the legislative body adopt a Resolution Initiating Proceedings and generally describing any proposed improvements or substantial changes in existing improvements. The legislative body also must order the Director of the Department of Parks and Recreation to have prepared and filed an Engineer's Report in accordance with Section 22565 et seq. of the Streets and Highways Code. The report will show an estimate of, and a proposed assessment to pay for, the costs of providing landscape and park maintenance services. The Act provides a method of funding an assessment district with assessments being collected via the consolidated tax bill. This provides for the assessment of landscape and park maintenance costs against the benefiting properties.

Proceedings for the annexation of territory to an existing Los Angeles County LLA District under the Act are initiated by Resolution pursuant to Section 22608 of the Streets and Highways Code and Article XIID, Section 6 of the California Constitution. In annexation proceedings, the Resolution, Report, Notices of Hearing, and Right of Majority Protest are limited to the territory proposed to be annexed.

The passage of Proposition 218 in November 1996 added Articles XIIC and XIID to the California Constitution. Article XIID contains additional requirements to those found in the Act that must be followed for the levying of new or additional assessments and the filing of the Engineer's Report. Zone No. 76 Tesoro Adobe Park requires assessment ballots to approve new assessments.

Your Board is required to conduct a public hearing upon these proposed assessments not less than 45 days after mailing the notice of the proposed assessment to the property owners. The developers of each proposed annexation area are the owners of the properties and have provided written petitions requesting the proposed annexations. A notice and ballot will be mailed to each property owner within LLA District No. 4, Zone No. 76 Tesoro Adobe Park, in compliance with Article XIID of the California Constitution.

Any new or additional assessment that is subject to the notice and hearing provisions of Article XIID of the California Constitution is not subject to the notice and hearing requirements of Government Code Section 54954.6.

Pursuant to the approved tentative tract conditions, the developer is required to install the improvements, as approved by the District and grant to the District maintenance easements for designated areas. When the required improvements are completed to the satisfaction of the District and executed Grants of Easement are received, the designated areas will be accepted by the District for maintenance and servicing.

County Counsel has approved the enclosed Resolutions as to form.

ENVIRONMENTAL DOCUMENTATION

Approval of the proposed annexation is exempt from the California Environmental Quality Act (CEQA) according to Section 15301 and Subsection 15301(h) of State CEQA Guidelines. Approval of proposed assessments is exempt from CEQA, according to Section 15273(a)(1)(2)(3)(4) of State CEQA Guidelines because CEQA does not apply to the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, or other charges by public agencies. Approval of the assessments is also exempt from CEQA because it is for the purpose of (1) meeting operating expenses including employee wage rates and fringe benefits, (2) purchasing and leasing supplies, equipment or materials, (3) meeting financial reserve needs and requirements and/or (4) obtaining funds for capital projects necessary to maintain service within existing service areas, pursuant to Section 21080(b) 8 of the Public Resources Code.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Approval of these recommendations will be a benefit to the Plum Canyon and the Tesoro del Valle development communities through the beautification, maintenance and servicing of landscaped medians, park areas and appurtenant improvements.

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CONCLUSION

It is requested that an executed copy of this document be retained by the Executive Officer-Clerk of the Board, one conformed copy each be forwarded to the Chief Administrative Office, County Counsel, Auditor-Controller, and two conformed copies be forwarded to the Department of Parks and Recreation, Special Districts Division.

Respectfully submitted,

Tim Gallagher
Director

Attachments (2)

c: Chief Administrative Officer
Executive Officer, Board of Supervisors

**COUNTY OF LOS ANGELES
BOARD OF SUPERVISORS**

**RESOLUTION OF INTENTION
TO ANNEX TERRITORY INTO LOS ANGELES COUNTY
LANDSCAPING AND LIGHTING ACT (LLA) DISTRICT NO. 4
AND TO ORDER THE LEVYING OF AN ASSESSMENT
FOR THE ANNEXED TERRITORY
FOR FISCAL YEAR 2003-04**

WHEREAS, the Board of Supervisors of the County of Los Angeles previously approved the formation of and Landscaping and Lighting Act (LLA) District No. 4 and Zones therein for the purpose of providing funds for the provision of landscape maintenance services located therein pursuant to the Landscaping and Lighting Act of 1972 of Part 2 of Division 15 of the Streets and Highways Code of the State of California (the "Act"); and

WHEREAS, the Board of Supervisors, on April 8, 2003 adopted a resolution initiating proceedings for the levying of an assessment for landscape and park maintenance purposes for the 2003-04 fiscal year as required by law; and

WHEREAS, the Board has approved and filed the Engineer's Report as required by law.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Los Angeles, State of California:

SECTION 1. That the public interest and convenience require, and that it is the intention of said Board of Supervisors to authorize, that this benefited territory be annexed into LLA District No. 4, as Zone No. 76 Tesoro Adobe Park (the "annexed territory").

SECTION 2. That the public interest and convenience require, and that it is the intention of said Board of Supervisors to order, that the expense necessary for the installation, maintenance, repairs, replacement, utilities, care, supervision and all other items necessary for proper maintenance and operation of Zone No. 76 Tesoro Adobe Park within Los Angeles County LLA District No. 4, shall be assessed upon each lot or parcel of land lying within in proportion to the estimated benefits received from the improvements, and which should be assessed to pay the expense of the installation, maintenance and operation of said improvements. The Engineer's Report on file with the Executive Officer-Clerk of the Board of Supervisors describes the boundary of the said annexed territory, the location and improvements within the annexed territory, and the proposed assessment on each lot or parcel of land included therein.

SECTION 3. That in subsequent fiscal years the Board of Supervisors may thereafter impose the assessment at any rate or amount that is less than or equal to the amount authorized for Fiscal Year 2003-04, increased each year based upon the Consumer Price Index, All Urban Consumers for the Los Angeles-Riverside-Orange County Area (CPI), as determined by the United States Department of Labor, Bureau of Labor Statistics, or its successor, without conducting another mailed ballot election. The Engineer shall compute the percentage of difference between the CPI for February of each year and the CPI for the previous February, and shall then adjust the existing assessment by an amount not to exceed such percentage for the following fiscal year. Should the Bureau of Labor Statistics revise such index or discontinue the preparation of such index, the Engineer shall use the revised index or a comparable system as approved by the Board for determining fluctuations in the cost of living.

SECTION 4. That the amount to be assessed for the expense of such installation, maintenance and operation of the work or improvements above described shall be levied and collected in the same manner and by the same officers as taxes for County purposes are levied and collected and shall be disbursed and expended for installation, maintenance, operation and service of these annexed territory, as described in the Engineer's Report and Section 2 of this Resolution.

SECTION 5. That the boundary of the territory proposed to be annexed consists of the area shown on the approved Engineer's Report.

SECTION 6. That the proposed assessment is subject to majority approval of the property owners in each proposed annexation area. A ballot and public hearing notice will be sent to all property owners within the area proposed for annexation at least 45 days before the public hearing. The ballots will be weighted by the amount of assessment to be paid by each property owner within the zone. The territory will not be annexed, and the proposed assessment for the Zone will be abandoned if the weighted majority of ballots submitted are opposed to the assessment.

SECTION 7. That the proceedings for the levying of an assessment shall be taken under and in accordance with the Landscaping and Lighting Act of 1972 (Division 15, Part 2, of the Streets and Highways Code), and in accordance with Section 53753 of the Government Code and Article XIID of the California Constitution.

SECTION 8. That on _____ at the hour of _____ of said day, is the day and hour, and the Chambers of the Board of Supervisors of the County of Los Angeles, Room 381, Kenneth Hahn Hall of Administration, 500 West Temple Street (corner of Temple Street and Grand Avenue), Los Angeles, California 90012, is the place fixed by said Board of Supervisors when and where any and all persons may hear and be heard.

SECTION 9. The Clerk of the Board of Supervisors is hereby authorized and directed to give notice of the public hearing and mail assessment ballots to all property owners within the annexed territory as shown on the latest Los Angeles County Assessor Records as set forth in Section 6 in accordance with law and Article XIID of the California Constitution.

The foregoing resolution was on the _____ day of _____, 2003, passed by the Board of Supervisors of the County of Los Angeles and ex-officio the governing body of all other special assessment and taxing districts, agencies and authorities for which said Board so acts.

VIOLET VARONA-LUKENS,
Executive Officer-
Clerk of the Board of Supervisors of
the County of Los Angeles

By _____
Deputy

APPROVED AS TO FORM
BY COUNTY COUNSEL

LLOYD W. PELLMAN

By _____
Francis E. Scott
Principal Deputy County Counsel

**COUNTY OF LOS ANGELES
BOARD OF SUPERVISORS**

**RESOLUTION ORDERING THE ANNEXATION OF TERRITORY
INTO LOS ANGELES COUNTY LANDSCAPING
AND LIGHTING ACT (LLA) DISTRICT NO. 4
AND THE LEVYING OF AN ASSESSMENT
FOR THE ANNEXED TERRITORY
FOR FISCAL YEAR 2003-04**

WHEREAS, the Board of Supervisors of the County of Los Angeles on _____ adopted a Resolution of Intention to Annex Territory into Los Angeles County Landscaping and Lighting Act (LLA) District No. 4 and to Order the Levying of an Assessment for the Annexed Territory for Fiscal Year 2003-04; and

WHEREAS, the levying of assessments is for the purpose of providing funds for the provision of landscape and park maintenance services in the annexed territory known as Los Angeles County Landscaping and Lighting Act (LLA) District No. 4, Zone No. 76 Tesoro Adobe Park, pursuant to provisions of the Landscaping and Lighting Act of 1972; and

WHEREAS, the Board has approved and filed the Engineer's Report as required by law; and

WHEREAS, the Executive Officer of the Board of Supervisors did cause the notice of public hearing to be mailed to all property owners within the territory subject to the proposed annexation and levying of the assessment at least 45 days prior to the date set for the hearing; and

WHEREAS, the Department of Parks and Recreation has mailed an assessment ballot and a notice to property owners of identified parcels within the territory proposed for annexation, pursuant to Article XIID of the California Constitution, to indicate support of or opposition to the matter of an assessment; and

WHEREAS, said Board of Supervisors has heard all testimony and evidence with regard to the annexation and levying of assessments, has tabulated all returned assessment ballots concerning the proposed assessment for said Zones and has made a determination that the majority of ballots returned in favor of the levy exceeds those submitted in opposition, and that no majority protest exists, except for those zones, if any, indicated in Section 3, below.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of the County of Los Angeles, State of California:

SECTION 1. That this Board hereby finds that the public interest and convenience require the maintenance of the proposed and future park, landscaping and appurtenant improvements located within the boundary of Los Angeles County LLA District No. 4.

SECTION 2. That this Board hereby determines that the levying of an assessment for Los Angeles County LLA District No. 4, Zone No. 76 Tesoro Adobe Park is required to provide the total funding needed to finance the installation and/or maintenance of the existing and future park, landscaping and appurtenant improvements.

SECTION 3. That this Board hereby orders the annexation of additional territory into LLA District No. 4, known as Zone No. 76 Tesoro Adobe Park pursuant to provisions of the Landscaping and Lighting Act of 1972; except where, in any of the proposed zones, the majority of ballots submitted were in opposition to the assessment; namely _____; and to have the boundaries as set forth in the Engineer's Report adopted on _____; and hereby orders the maintenance and operation work to be done as set forth and described in said Report.

SECTION 4. That this Board hereby determines that the territory identified in the Assessment Diagram of the Engineer's Report will be benefited by annexation to the Los Angeles County LLA District No. 4, Zone No. 76 Tesoro Adobe Park and hereby orders that the boundary of said District be altered to include such benefited territory.

SECTION 5. That the Landscaping and Lighting Act District diagram and assessment as set forth in said Report, or as modified, are hereby approved, confirmed and adopted by this Board.

SECTION 6. That the adoption of this Resolution constitutes the levy of an assessment for the fiscal year commencing July 1, 2003 and ending June 30, 2004.

SECTION 7. That the amounts to be assessed for the expenses of the installation, maintenance, operation and service as described in said Report and Resolution shall be levied and collected in the same manner and by the same officers as taxes for County purposes are levied and collected, and shall be disbursed and expended for maintenance, operation, and service of the said Districts, all as described in the Engineer's Report and the Resolution of Intention.

SECTION 8. That the Executive Officer of the Board of Supervisors is hereby ordered and directed to file a certified copy of the landscape maintenance diagram and assessment, together with a certified copy of this Resolution upon its adoption, with the County Auditor.

The foregoing resolution was on the _____ day of _____, 2003, passed by the Board of Supervisors of the County of Los Angeles and ex-officio the governing body of all other special assessment and taxing districts, agencies and authorities for which said Board so acts.

VIOLET VARONA-LUKENS,
Executive Officer-
Clerk of the Board of Supervisors of
the County of Los Angeles

By _____
Deputy

APPROVED AS TO FORM
BY COUNTY COUNSEL

LLOYD W. PELLMAN

By _____
Francis E. Scott
Principal Deputy County Counsel